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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

San Francisco Division

HARMEET K. DHILLON, an individual,

Plaintiff,

v.

DOE 1, an unknown individual, and
DOES 2 through 10,

Defendants.

Case Number:

C 13 1465

COMPLAINT FOR COPYRIGHT
INFRINGEMENT, 17 U.S.C. §§101 *et*
seq.

Jury Trial Demanded

Plaintiff Harmeet K. Dhillon ("Ms. Dhillon"), by and through her attorneys,
Dhillon & Smith LLP, files this action against Defendants Doe 1 and Does 2 through 10
(collectively, "Defendants") for copyright infringement under the copyright laws of the
United States, 17 U.S.C. §101 *et seq.*, and alleges as follows:

Complaint

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1 **PARTIES**

2 1. Plaintiff Harmeet K. Dhillon ("Ms. Dhillon" or "Plaintiff") is an
3 individual residing in San Francisco, California.

4 2. Defendant Doe 1 is an individual who has anonymously published an
5 article entitled "Meet Harmeet" to the website www.mungergames.net
6 ("MungerGames.net"). The true name, residence and capacity of Doe 1, whether
7 individual, corporate or otherwise, is unknown to Ms. Dhillon at this time. Ms. Dhillon
8 therefore sues Doe 1 by such fictitious name. Ms. Dhillon will amend this Complaint to
9 state the true name and identity of Doe 1 when the same have been ascertained,
10 together with the appropriate charges and allegations.

11 3. The true names, residences and capacities, whether individual, corporate
12 or otherwise, of Defendants named herein as Does 2 through 10, inclusive, are
13 unknown to Ms. Dhillon at this time. Ms. Dhillon therefore sues Does 2 through 10 by
14 such fictitious names. Ms. Dhillon will amend this Complaint to state the true names
15 and capacities of those unknown defendants when the same have been ascertained,
16 together with the appropriate charges and allegations. Ms. Dhillon is informed and
17 believes and based thereon alleges that each of the fictitiously named Defendants is
18 responsible in some manner for the occurrences herein alleged, and that Ms. Dhillon's
19 damages as herein alleged were directly and proximately caused by these Defendants'
20 acts or failures to act. Ms. Dhillon is informed and believes, and on that basis alleges,
21 that at all times herein mentioned, each Defendant was the agent and the employee of
22 each of the remaining Defendants, and in doing the things hereinafter alleged, was
23 acting within the scope of that agency.

24 **JURISDICTION AND VENUE**

25 4. This is a civil action seeking damages and injunctive relief for copyright
26 infringement under the Copyright Act, 17 U.S.C. §§ 101 *et seq.*

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5. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338(a) (copyright).

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a). A substantial part of the events or omissions giving rise to the claim occurred in this judicial district. Although the true identity of each Defendant is unknown to Plaintiff at this time, on information and belief, each Defendant and/or their respective agent(s) reside or may be found in this district and are subject to personal jurisdiction in this district.

INTRADISTRICT ASSIGNMENT

7. Pursuant to Civil Local Rule 3-2(d), this case should be assigned to the San Francisco division of this Court because a substantial part of the events or omissions which give rise to the claims alleged herein arose in this district.

FACTUAL ALLEGATIONS

8. Ms. Dhillon is a civil litigation attorney practicing in San Francisco, California, and the founding partner of Dhillon & Smith LLP. Ms. Dhillon campaigned for the position of Member of the California State Assembly, District 13, in 2008, and for the position of Member of the California State Senate, District 11, in 2012.

9. Ms. Dhillon is also an active member of the California Republican Party ("CAGOP") and has successfully campaigned for elected offices within that party. Ms. Dhillon currently serves as the Vice Chairman of CAGOP for the 2013-2015 term, and is the Chairman of the San Francisco Republican Party.

10. Ms. Dhillon frequently commissions photography in connection with her political participation, law practice, and campaign activities.

11. In March 2008, Ms. Dhillon commissioned a photographer by the name of Colin Hussey ("Mr. Hussey") to take numerous photographs of Ms. Dhillon in connection with her candidacy for Member of the State Assembly, District 13. Pursuant

1 to the commission, Mr. Hussey took photographs of Ms. Dhillon, which are collectively
2 referred to as the "2008 Photographs."

3 12. Included in the 2008 Photographs was a full-length photograph of Ms.
4 Dhillon sitting in Union Square, San Francisco, as well as a cropped and edited version
5 of that photograph consisting of a headshot with a gray background ("Headshot
6 Photograph").

7 13. Following the 2008 campaign, the intellectual property rights to the 2008
8 Photographs, including the Headshot Photograph, were assigned to Ms. Dhillon
9 personally. Mr. Hussey and Ms. Dhillon entered into a Copyright Assignment
10 Agreement ("Agreement") to transfer to Ms. Dhillon all rights, title and interest in and
11 to the 2008 Photographs, including all copyrights. Ms. Dhillon is currently the sole
12 owner of the copyrights for the 2008 Photographs.

13 14. Ms. Dhillon has used the 2008 Photographs, including the Headshot
14 Photograph, in connection with her campaign for Member of the State Assembly,
15 beginning in or around June 2008, as well as in connection with her subsequent
16 campaigns, political activities, and various professional marketing efforts.

17 15. On or about February 12, 2013, Doe 1 anonymously published on
18 MungerGames.net an article entitled "Meet Harmeet," which featured the Headshot
19 Photograph at the top of the article. Doe 1 published the Headshot Photograph without
20 first notifying, obtaining authorization from, or obtaining a license from Ms. Dhillon.

21 16. Upon information and belief, Does 2 through 10 assisted Doe 1 and/or
22 acted as Doe 1's agent in committing the infringing conduct.

23 17. Ms. Dhillon has registered the Headshot Photograph with the U.S.
24 Copyright Office. The U.S. Copyright Office received Ms. Dhillon's complete
25 application on February 21, 2013.

FIRST CAUSE OF ACTION

Copyright Infringement

17 U.S.C. §101 *et seq.*

(Against all Defendants)

18. Ms. Dhillon incorporates every allegation contained in paragraphs 1 through 17 above, as though set forth fully herein.

19. Ms. Dhillon commissioned the Headshot Photograph at considerable expense, and is responsible for its creation, development, and production. Ms. Dhillon owns the exclusive and valid copyright to the Headshot Photograph. Ms. Dhillon has used the Headshot Photograph in connection with her political activities, campaigns and various professional marketing efforts, beginning in 2008 and continuing to present.

20. Defendants, without Ms. Dhillon's consent or permission, and without authority or a valid license, i) made, have caused to be made, and/or have purported to authorize the making of copies of the Headshot Photograph, in its entirety; and ii) distributed the copied work through Mungergames.net.

21. Defendants' acts of infringement were intentional, purposeful, willful, and in disregard of Ms. Dhillon's rights.

22. Pursuant to 17 U.S.C. §504, Ms. Dhillon is entitled to recover the actual damages suffered by her as a result of Defendants' infringement, in the amount of \$250, which represents the reasonable license fee to use the Headshot Photograph.

23. Upon information and belief, unless enjoined by this Court, Defendants will continue to infringe upon Ms. Dhillon's copyrighted material and will cause Ms. Dhillon significant and irreparable injury that cannot be fully compensated or measured in monetary terms. Ms. Dhillon has no adequate remedy at law. Pursuant to 17 U.S.C. §502, Ms. Dhillon is entitled to a permanent injunction requiring Defendants to employ reasonable methods to prevent infringement of Ms. Dhillon's copyrights.

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24. Pursuant to 17 U.S.C. §505, Ms. Dhillon is further entitled to recover her attorney's fees and costs pursuant to 17 U.S.C. § 505.

PRAYER FOR RELIEF

WHEREFORE, Ms. Dhillon prays for judgment against Defendants as follows:

1. For actual damages to Ms. Dhillon in the amount of the value of a reasonable license fee to use the Headshot Photograph, pursuant to 17 U.S.C. §504;
2. For a preliminary and permanent injunction, pursuant to 17 U.S.C. §502, requiring that Defendants, their subsidiaries, parents and affiliated companies, successors, assigns, officers, directors, agents, partners, servants, employees, and attorneys of those companies or individuals, and all others in active concert or participation with Defendants, cease directly or indirectly infringing, or causing, enabling, facilitating, promoting, encouraging, and inducing, or participating in the infringement of, any of Ms. Dhillon's rights protected under the Copyright Act, whether now in existence or hereafter created;
3. For recovery of attorney's fees and costs, pursuant to 17 U.S.C. § 505;
4. For such other and further relief as the Court deems just and equitable.


DEMAND FOR JURY TRIAL

Under Fed.R.Civ.P. 38(b), Plaintiff Ms. Dhillon demands jury trial of all issues raised by the Complaint.

1 Date: April 1, 2013

DHILLON & SMITH LLP

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3 By:

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5 HAROLD P. SMITH
6 KRISTA L. SHOQUIST
7 PRIYA BRANDES
8 Attorneys for Plaintiff
9 Harmeet K. Dhillon
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Complaint

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